UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,398	04/17/2001	Peter Michael Wright	08215-415001 / P03-026035	5158

26171 7590 02/09/2005	EXAMINER	
FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005-3500	BONURA, TIMOTHY M	

ART UNIT	PAPER NUMBER
2114	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/835,398	WRIGHT ET AL.
	Examiner	Art Unit
	Tim Bonura	2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 November 2004</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-53</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) <u>50 and 53</u> is/are allowed.

6) ☒ Claim(s) <u>1-6,8,9,11,13-31,33,34,36,38-49 and 51</u> is/are rejected.

7) ☒ Claim(s) <u>7,10,12,32,35,37 and 52</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>17 April 2001</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.
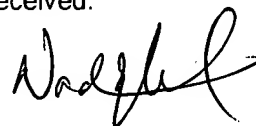
Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

NADEEM IQBAL
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

- **Claims 1-6, 8-9, 11, 13-31, 33-34, 36, 38-49, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter, U.S. Patent Number 6,298,449 and further in view of Fowler, et al, U.S. Patent Number 6,714,977.**

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-6, 8-9, 11, 13-31, 33-34, 36, 38-49, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter, U.S. Patent Number 6,298,449 and further in view of Fowler, et al, U.S. Patent Number 6,738,781.

3.   Regarding claim 1:

a.   Regarding the limitation of "a power system interface circuit for communicating with the power system," Carter discloses a system with a power supply controller connected to a power supply. (Items 54 and 16 in Figure 3).

b.   Regarding the limitation of "a processor coupled to the power system interface circuit," Carter discloses a system that has an integrated reliability enhancement device adapted for cooperative interaction with a host computer. (Lines 65-66 of Column 1, also see Items 54 and 60 in Figure 3).

    c.   Regarding the limitation of "memory storing software instructions performed by

the processor for receiving electronic mail from a remote system through a

communication link and for automatically transmitting electronic mail to the remote

system through the communication link," Carter teaches of a system that communicates

with a power source via an SNMP message and stores them in error logs. Carter does not

teach of communicating messages via email. Fowler discloses a system wherein an

SNMP message can be converted into an electronic mail message. (Lines 10-15 of

Column 3). It would have been obvious to one of ordinary skill in the art at the time of

the invention to combine the references of Carter with the message conversion of Fowler.

It would have been obvious to one of ordinary skill because Carter discloses the need for

a direct controller to LAN system connection. (Lines 16-21 of Column 3). Fowler would

provide a direct connection between an equipment monitoring and network systems via

email. (Lines 16-21 of Column 3 also Lines 15-18 of Column 4).

4.   Regarding claim 2, Carter discloses a system wherein the SNMP messages contain

information regarding operating status of power supplies. (Lines 49-53 of Column 2).

5.   Regarding claim 3, Carter discloses a system wherein data representative of an event can

be written to an log and an application software can be configured to enable notification

capabilities, of which include SNMP messaging. (Lines 41-42 and 64-67 of Column 2).

6.   Regarding claim 4, Carter discloses a with failure detection of a power supply and also a

system that can control a power system that can enable a secondary power source.

7.   Regarding claim 5, Carter discloses a system that has a register on the integrated

reliability enhancement device. The register stores data regarding specific events that can be

sent via messaging. (Lines 60-63 of Column 2).

8.   Regarding claim 6, Carter discloses that the register can store specific event data. (Lines

63 of Column 2).

9.   Regarding claim 8, Carter discloses application software on a host computer that can

process data of status from devices. (Lines 35-41 of Column 2). The status data is read from a

register. The message data from the devices stored on the register contains event data. (Lines

62-63 of Column 2).

10.   Regarding claim 9, Carter discloses a system with application software. (Lines 35-41 of

Column 2). The application software can process SNMP messages contain information

regarding operating status of power supplies. (Lines 49-53 of Column 2).

11.   Regarding claim 11, Carter discloses a system with application software (Lines 35-41 of

Column 2), which can process SNMP messages with commands. (Lines 63-67 of Column 2).

The system allows for

12.   Regarding claim 13, Fowler discloses a system uses electronic mail to notify a manager

of an event. It is inherent the email can be written in ASCII text.

13.   Regarding claim 14, Fowler discloses a system uses electronic mail to notify a manager

of an event. It is inherent the email can be written in HTML text.

14.   Regarding claim 15, Fowler discloses a system uses electronic mail to notify a manager

of an event. It is inherent the email can be written in XML text.

15.   Regarding claim 16, Fowler discloses a system uses electronic mail to notify a manager

of an event. It is inherent the email can have attachments. It is also inherent that email

attachments can be of any encoding type.

16.   Regarding claim 17, Fowler discloses a system uses electronic mail to notify a manager

of an event. It is inherent the email application can interpret an email contains an attachment.

17.   Regarding claim 18, Fowler discloses a system uses electronic mail to notify a manager

of an event. It is inherent the email can have attachments. It is also inherent that email

attachments can be of any encoding type.

18.   Regarding claim 19, Fowler discloses a system uses electronic mail to notify a manager

of an event. It is inherent the email application can interpret an email contains an attachment.

19.   Regarding claim 20, Fowler discloses a system uses electronic mail to notify a manager

of an event. It is inherent the email application can format data so that is can be transmitted

within an email.

20.   Regarding claim 21, Fowler discloses a system the can send electronic mail to a remote

system. (Lines 5-10 of the abstract).

21.   Regarding claim 22, Carter discloses a system that transmits the data to a remote

computer for viewing. (Lines 42-51 of Column 4).

22.   Regarding claim 23, Fowler discloses a system that can send email with SMTP. (Lines

5-7 of the Abstract).

23.   Regarding claim 24, Carter discloses a system in which temperature data of a power

system is stored in memory. (Lines 12-14 of Column 5).

24.   Regarding claim 25, Fowler discloses a system that has the ability to send emails, messages via web pages, and pages through a pager. (Liens 28-32 of Column 3).

25.   Regarding claim 26:

d.   Regarding the limitation of "an intelligent electronic device connected to the power system," Carter discloses a system that has an integrated reliability enhancement device adapted for cooperative interaction with a host computer. (Lines 65-66 of Column 1, also see Items 54 and 60 in Figure 3).

e.   Regarding the limitation of "a system remote from the intelligent electronic device and connected to the intelligent electronic device through a communication link," Carter discloses a system that transmits the data to a remote computer for viewing. (Lines 42-51 of Column 4).

f.   Regarding the limitation of "a power system interface circuit for communicating with the power system," Carter discloses a system with a power supply controller connected to a power supply. (Items 54 and 16 in Figure 3).

g.   Regarding the limitation of "a processor," Carter discloses a system with a processor. (Figure 3, item 60).

h.   Regarding the limitation of "memory storing software instructions performed by the processor for receiving electronic mail from a remote system through a communication link and for automatically transmitting electronic mail to the remote system through the communication link," Carter teaches of a system that communicates with a power source via an SNMP message and stores them in error logs. Carter does not teach of communicating messages via email. Fowler discloses a system wherein an

SNMP message can be converted into an electronic mail message. (Lines 10-15 of

Column 3). It would have been obvious to one of ordinary skill in the art at the time of

the invention to combine the references of Carter with the message conversion of Fowler.

It would have been obvious to one of ordinary skill because Carter discloses the need for

a direct controller to LAN system connection. (Lines 16-21 of Column 3). Fowler would

provide a direct connection between an equipment monitoring and network systems via

email. (Lines 16-21 of Column 3 also Lines 15-18 of Column 4).

26.   Regarding claim 27, Carter discloses a system wherein the SNMP messages contain

information regarding operating status of power supplies. (Lines 49-53 of Column 2).

27.   Regarding claim 28, Carter discloses a system wherein data representative of an event

can be written to an log and an application software can be configured to enable notification

capabilities, of which include SNMP messaging. (Lines 41-42 and 64-67 of Column 2).

28.   Regarding claim 29, Carter discloses a with failure detection of a power supply and also a

system that can control a power system that can enable a secondary power source.

29.   Regarding claim 30, Carter discloses a system that has a register on the integrated

reliability enhancement device. The register stores data regarding specific events that can be

sent via messaging. (Lines 60-63 of Column 2).

30.   Regarding claim 31, Carter discloses that the register can store specific event data.

(Lines 63 of Column 2).

31.   Regarding claim 33, Carter discloses application software on a host computer that can

process data of status from devices. (Lines 35-41 of Column 2). The status data is read from a

register. The message data from the devices stored on the register contains event data. (Lines 62-63 of Column 2).

32.   Regarding claim 34, Carter discloses a system with application software. (Lines 35-41 of Column 2). The application software can process SNMP messages contain information regarding operating status of power supplies. (Lines 49-53 of Column 2).

33.   Regarding claim 36, Carter discloses a system with application software (Lines 35-41 of Column 2), which can process SNMP messages with commands. (Lines 63-67 of Column 2). The system allows for

34.   Regarding claim 38, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email can be written in ASCII text.

35.   Regarding claim 39, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email can be written in HTML text.

36.   Regarding claim 40, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email can be written in XML text.

37.   Regarding claim 41, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email can have attachments. It is also inherent that email attachments can be of any encoding type.

38.   Regarding claim 42, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email application can interpret an email contains an attachment.

39.   Regarding claim 43, Fowler discloses a system uses electronic mail to notify a manager of an event. It is inherent the email can have attachments. It is also inherent that email attachments can be of any encoding type.

40.   Regarding claim 44, Fowler discloses a system uses electronic mail to notify a manager

of an event. It is inherent the email application can interpret an email contains an attachment.

41.   Regarding claim 45, Fowler discloses a system uses electronic mail to notify a manager

of an event. It is inherent the email application can format data so that is can be transmitted

within an email.

42.   Regarding claim 46, Fowler discloses a system the can send electronic mail to a remote

system. (Lines 5-10 of the abstract). Fowler discloses a system that can send email with SMTP.

(Lines 5-7 of the Abstract).

43.   Regarding claim 47, Carter discloses a system that transmits the data to a remote

computer for viewing. (Lines 42-51 of Column 4).

44.   Regarding claim 48:

i.   Regarding the limitation of "a power system interface circuit for communicating

with the power system," Carter discloses a system with a power supply controller

connected to a power supply. (Items 54 and 16 in Figure 3).

j.   Regarding the limitation of "a processor coupled to the power system interface

circuit," Carter discloses a system that has an integrated reliability enhancement device

adapted for cooperative interaction with a host computer. (Lines 65-66 of Column 1, also

see Items 54 and 60 in Figure 3).

k.   Regarding the limitation of "memory storing software instructions performed by

the processor for receiving instant message from a remote system through a

communication link and for automatically transmitting instant message to the remote

system through the communication link," Carter teaches of a system that communicates

with a power source via an SNMP message and stores them in error logs. Carter does not

teach of communicating messages via email. Fowler discloses a system wherein an

electronic mail message can be converted into a SNMP message. Fowler discloses a

system that has the ability to send emails, messages via web pages, and pages through a

pager. (Liens 28-32 of Column 3). It would have been obvious to one of ordinary skill in

the art at the time of the invention to combine the references of Carter with the message

conversion of Fowler. It would have been obvious to one of ordinary skill in the art at

the time of the invention to combine the references of Carter with the message conversion

of Fowler. It would have been obvious to one of ordinary skill because Carter discloses

the need for a direct controller to LAN system connection. (Lines 16-21 of Column 3).

Fowler would provide a direct connection between a power supplies and LAN systems

via email. (Lines 5-9 of the abstract).

45.   Regarding claim 49:

   l.   Regarding the limitation of "a power system interface circuit for communicating

with the power system," Carter discloses a system with a power supply controller

connected to a power supply. (Items 54 and 16 in Figure 3).

   m.   Regarding the limitation of "a processor coupled to the power system interface

circuit," Carter discloses a system that has an integrated reliability enhancement device

adapted for cooperative interaction with a host computer. (Lines 65-66 of Column 1, also

see Items 54 and 60 in Figure 3).

   n.   Regarding the limitation of "memory storing software instructions performed by

the processor for receiving electronic mail from a remote system through a

communication link," Carter teaches of a system that communicates with a power source

via an SNMP message and stores them in error logs. Carter does not teach of

communicating messages via email. Fowler discloses a system wherein an SNMP

message can be converted into an electronic mail message. (Lines 10-15 of Column 3). It

would have been obvious to one of ordinary skill in the art at the time of the invention to

combine the references of Carter with the message conversion of Fowler. It would have

been obvious to one of ordinary skill because Carter discloses the need for a direct

controller to LAN system connection. (Lines 16-21 of Column 3). Fowler would

provide a direct connection between an equipment monitoring and network systems via

email. (Lines 16-21 of Column 3 also Lines 15-18 of Column 4).

46.   Regarding claim 51:

o.   Regarding the limitation of "a first code segment to receive input from a power

system relating to operation of the power system," Carter discloses a system with a power

supply controller that receives information from the power supply concerning events.

(Lines 3-5 of Column 3).

p.   Regarding the limitation of "a second code segment to send output to the power

system to operate a fault protection device when input received from the power system

indicates a fault event in the power system," Carter discloses a system can enable a

second power supply upon detection failure of the first power supply. (Lines 5-8 of

Column 3).

q.   Regarding the limitation of "a third code segment to receive electron mail from a

remote system through a communication link," Carter teaches of a system that

communicates with a power source via an SNMP message and stores them in error logs.

Carter does not teach of communicating messages via email. Fowler discloses a system

wherein an SNMP message can be converted into an electronic mail message. (Lines 10-

15 of Column 3). It would have been obvious to one of ordinary skill in the art at the

time of the invention to combine the references of Carter with the message conversion of

Fowler. It would have been obvious to one of ordinary skill because Carter discloses the

need for a direct controller to LAN system connection. (Lines 16-21 of Column 3).

Fowler would provide a direct connection between an equipment monitoring and network

systems via email. (Lines 16-21 of Column 3 also Lines 15-18 of Column 4).

Allowable Subject Matter

47.   Claims 7, 10, 12, 32, 35, 37, and 52 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

48.   Claims 50 and 53 allowed.

Response to Arguments

49.   Applicant's arguments filed 11/22/2004 have been fully considered but they are not

persuasive.

50.   Regarding the arguments for claim 1:

        r.   In response to applicant's argument that "Fowler's bot 30 never receives

        electronic mail from either the internal client 34 or the external client 22," (Page 13, 2nd

Paragraph of the response), the fact that applicant has recognized another advantage

which would flow naturally from following the suggestion of the prior art cannot be the

basis for patentability when the differences would otherwise be obvious. See *Ex parte*

Obiaya, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985). The prior art of Carter teaches

of a system that can receive SNMP messages. (See rejection of claim 1 or Carter, Lines

45-47 of Column 2). Fowler also goes on to disclose that the system can work over the

MIME protocol. (Lines 15-19 of Column 4). The examiner did not combine the

references of Carter and Fowler to disclose a system for converting message to be sent

over email. The examiner would also like to point out that, one of ordinary skill in the art

at the time of the invention would know that the MIME protocol which is used to send e-

mail over the internet. (See Microsoft dictionary definition of MIME protocol).

s.   In response to applicant's argument that there is no suggestion to combine the

references, (Page 14, 2nd Paragraph of the response), the examiner recognizes that

obviousness can only be established by combining or modifying the teachings of the prior

art to produce the claimed invention where there is some teaching, suggestion, or

motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed.

Cir. 1992). In this case, the examiner is combining the message conversion of Fowler

with the power system messaging of Carter. One of ordinary skill in the art at the time of

the invention would have realized that Carter has a stated need on communication of a

network system to a computer network system. (Lines 10-15 of Column 3). Fowler fills

this stated need by converting SNMP messages into email messages. (Lines 10-21 of

Column 3) If the applicant needs further explanation, please contact the examiner by

phone.

51.   Regarding the arguments for claim 25:

        t.   In response to the argument that the prior art does not "suggest a processor that

receives instant messages from a remote system through a communication link through

which instant messages are also transmitted," the examiner contends that the prior art

does teach this. Fowler discloses a system that has the ability to send emails, messages

via web pages, and pages through a pager. (Lines 28-32 of Column 3). The examiner

contends that an email and or a page via a pager are forms of instant messages.

52.   Regarding claims 26, 49, and 51, refer to the response for claim 1, above.

53.   Regarding claims 48 refer to the response for claim 25, above.

54.   Applicant's arguments, see response to non-final rejection, filed 11/22/2004, with respect

to claims 50 and 53 have been fully considered and are persuasive. The rejections of the claims

have been withdrawn.

Conclusion

55.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

56.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Tim Bonura.**

> o   The examiner can normally be reached on **Mon-Fri: 8:30-5:00.**

> o   The examiner can be reached at: **571-272-3654.**

57.   If attempts to reach the examiner by telephone are unsuccessful, please contact the

examiner's supervisor, **Rob Beausoliel.**

> o   The supervisor can be reached on **571-272-3645.**

58.   The fax phone numbers for the organization where this application or proceeding is

assigned are:

> o   **703-872-9306 for all patent related correspondence by FAX.**

59.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov/. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
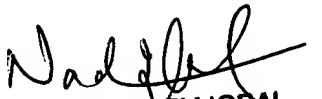
60.   Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the **receptionist** whose telephone number is: **571-272-2100.**

61.   Responses should be mailed to:

         o **Commissioner of Patents and Trademarks**

            P.O. Box 1450

            Alexandria, VA 22313-1450

                                                    Tim Bonura
                                                    Examiner
                                                    Art Unit 2114

NADEEM IQBAL
tmb   PRIMARY EXAMINER

February 3, 2005